

**Remarks/Arguments:**

Claims 102, 105, 108, 110, 111 and 113 have been amended. Claims 114-121 have been added. No new matter is introduced herein. Claims 104 and 106 have been canceled. Claims 102, 103, 105 and 107-121 are pending.

Claims 102-113 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Namely, that claims 102-113 recite the feature of "automatically activating a program or data" that is not specifically disclosed in the disclosure. Claims 102, 105, and 108 have been amended to remove the phrase "automatically activating." It is, respectfully submitted, however, that sufficient support for this feature in claims 110-113 is found in the disclosure. Although the disclosure does not specifically disclose "automatically activates," applicants respectfully submit that paragraphs [0246] and [0286] of the published application reasonably convey to a skilled person a transmission process by which a program or data is "automatically" activated in a receiving apparatus. Paragraph [0246] discloses that an identifier and information for a term of validity are transmitted and that broadcasting may be realized without a return channel. Paragraph [0286] discloses that a setup request and a counter corresponding to a start execution is transmitted before a program is transmitted. Thus, the information to activate a program or data is transmitted from the transmission apparatus before the program is transmitted and this information is used in the reception apparatus to start execution, i.e. "automatically activate," the program or data. In this manner, a program or data is activated "automatically" via information from the transmission apparatus. Therefore, a user is not required to activate a program or data. Thus, in light of the written description, applicants respectfully submit that the phrase "automatically activates" is supported. Accordingly, applicants request that the §112 rejection to claims 102-113 be withdrawn.

Claims 102-113 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Diehl et al. (U.S. Patent No. 5,659,653). Claims 104 and 106 have been cancelled. It is respectfully submitted, however, that the remaining claims are patentable over the cited art for the reasons set forth below.

Claim 102, as amended, includes features neither disclosed nor suggested by the cited art, namely:

...said transmission format information includes an identifier and starting time information related to said identifier, said identifier identifying a program or data to be used by said receiving apparatus, said starting time information indicating a starting time for activating of said program or said data...

...said program or said data is transmitted to the receiving apparatus before the starting time for activating... (Emphasis Added)

Although not identical to claim 102, claim 108 includes a similar recitation. Support for claim 102 can be found, for example, paragraphs [0251] and [0254] of the published application.

Diehl discloses, in Figs. 1 and 2, a broadcast studio (elements 11-14) which inserts program information (Table 1) into a video signal (col. 2, lines 42-49). On a user side (elements 15-18), a data extractor 22 retrieves the program information inserted into the video signal (Col. 2, lines 61-67)). A user pushes a learn button on remote controller 18 in order to record a currently advertised program. The channel and start time of the advertised program are extracted from the program information to record the advertised program (Abstract and Col. 4, lines 10-46). When the program is set to broadcast, the VCR will tune to the identified channel (Col. 4, lines 56-64). Diehl et al. do not disclose or suggest applicants claimed features that "transmission format information includes an identifier and starting time information related to said identifier..." or "said program or said data is transmitted to the receiving apparatus before the starting time for activating" (emphasis added). These features are neither disclosed nor suggested by Diehl et al. Diehl et al. do not disclose or suggest that the program is transmitted to the receiving apparatus before the starting time for activating. **Indeed, if the program is transmitted before the starting time, the program will not be recorded.** Thus Diehl et al. do not include all of the features of claim 102. Accordingly, allowance of claim 102 is respectfully requested.

Claim 103 includes all of the features of claim 102 from which it depends. Accordingly, claim 103 is also patentable over the art of record.

Amended claim 105 includes features neither disclosed nor suggested by the cited art, namely:

...a transmitting unit operable to transmit transmission format information to a receiving apparatus...

...said transmission format information includes an identifier and processing term information related to said identifier, said identifier identifying a program or data to be used by said receiving apparatus, said processing term information indicating a term for processing of said program or said data in said receiving apparatus... (Emphasis Added)

Diehl et al. are discussed above. Diehl et al. do not disclose or suggest applicants claimed features that "said transmission format information includes an identifier and processing term information related to said identifier... said processing term information indicating a term for processing of said program or said data in said receiving apparatus" (emphasis added). These features are neither disclosed nor suggested by Diehl et al. Diehl et al., instead, require a user to reserve a program for future recording such that when the program is broadcast a VCR will tune to the channel. Thus, Diehl et al. do not include all of the features of claim 105. Accordingly, allowance of claim 105 is respectfully requested.

Claim 107 includes all of the features of claim 105 from which it depends. Accordingly, claim 107 is also patentable over the art of record.

Amended claim 108, although not identical to claim 102, includes features similar to claim 102 and is patentable over the cited art for at least the same reasons as claim 102. Namely, that "said transmission format information including an identifier and starting time information... a storing unit operable to store said program or said data... said program or said data is stored in the storing unit before the starting time for activating." Diehl et al. are discussed above and do not disclose or suggest these features. Thus, Diehl et al. do not include all of the features of claim 108. Accordingly, allowance of claim 108 is respectfully requested.

Claims 109 and 110 include all of the features of claim 108 from which they depend. Accordingly, claims 109 and 110 are also patentable over the art of record.

Claim 111, as amended, includes features neither disclosed nor suggested by the cited art, namely:

...a receiving unit operable to receive transmission format information...

...said transmission format information including an identifier and processing term information related to said identifier, said identifier identifying said program or said data to be used by said receiving apparatus, said processing term information indicating a term for processing of said program or said data in said receiving apparatus...

...a control unit operable to automatically activate said program or said data based on said identifier and said processing term information... (Emphasis Added)

These features can be found, for example, paragraphs [0246] and [0286] of the published application.

Diehl et al. are discussed above. Diehl et al. do not disclose or suggest applicants claimed features of "said transmission format information including an identifier and processing term information related to said identifier... a control unit operable to automatically activate said program or said data based on said identifier and said processing term information" (emphasis added). These features are neither disclosed nor suggested by Diehl et al. Diehl et al., instead, require a user to reserve a program for future recording. Thus, Diehl et al. do not automatically activate the program based on a received identifier and received starting information. Thus Diehl et al. do not include all of the features of claim 111. Accordingly, allowance of claim 111 is respectfully requested.

Claims 112 and 113 include all of the features of claim 111 from which they depend. Accordingly, claims 112 and 113 are also patentable over the art of record.

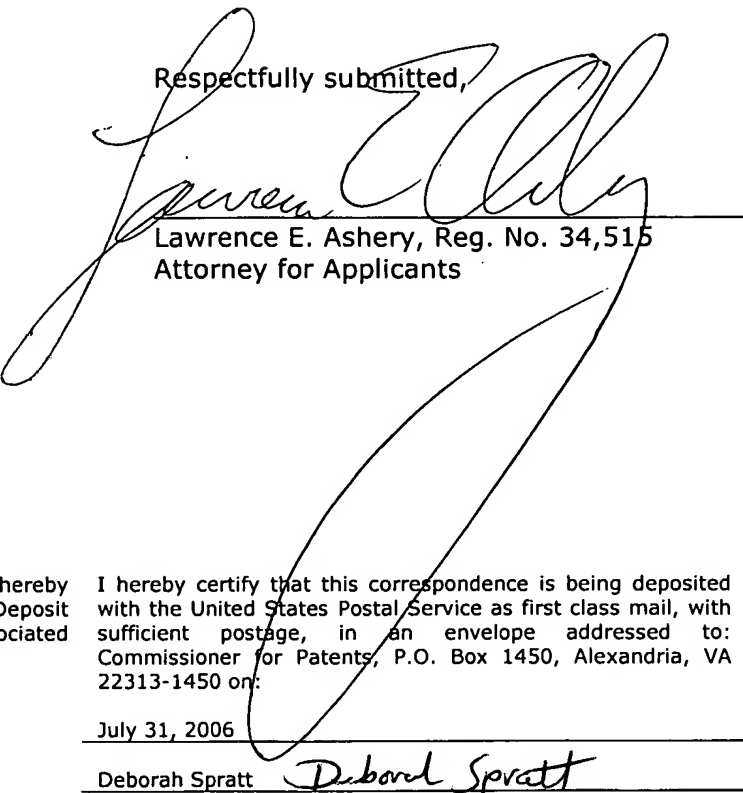
Claims 114-121 have been added. Support for these claims can be found , for example, paragraphs [0246] and [0286] of the published application. Although not identical to respective claims 102, 105, 108 and 111, claims 114-121 include features similar to respective claim 102, 105 108 and 111 which are neither disclosed nor suggested in the cited art. Accordingly, claims 114-121 are patentable over the cited art for at least the reasons set forth above.

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In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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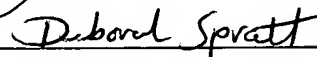
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